

U.S. Application No. 09/890,054  
Reply to Office Action dated September 9, 2005

PATENT  
450101-02432

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

#### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 44-68 are pending. Claims 1-43 have been canceled, without prejudice or disclaimer of subject matter. New claims 44-68 have been added. Claims 44, 47, 50, 55, 60 and 64 are independent. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification as originally filed, and specifically at pages 11-12.

The drawings were objected to by the Office Action because part 601 in figure 1 and part 602 in figure 3 should allegedly be labeled "Video Editor" as opposed to "Video Edition." Applicant respectfully traverses the objection. The ROM (54) contains software for "Video Edition," "Video Manipulation," and "Billing." The parts 601 and 602, as originally labeled, are consistent, and changing the label to "Video Editor" would be improper. Applicant respectfully submits that the original drawing sheets were in full compliance with 37 C.F.R. 1.121(d), and respectfully requests that the objections to the drawings be withdrawn.

The Specification was objected to because of minor informalities. Applicant respectfully submits that the present amendment corrects the minor informalities, and respectfully requests that the objections to the Specification be withdrawn.

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Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

## II. REJECTIONS UNDER 35 U.S.C. §112(2)

Claims 1, 3-5, 7, 9-11, 13, 14-17, 20-24, and 33-37 were rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for failing to describe the meta-data.

Applicant respectfully submits that pages 11-12 of the Specification as originally filed clearly describe the meta-data. Additionally, the present amendment further clarifies meta-data as “preview data” and “semantic evaluation data.”

Claims 28-30 were rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite.

Applicant respectfully submits that the rejection of claims 1, 3-5, 7, 9-11, 13, 14-17, 20-24, 33-37 and 28-30 is moot in view of the present amendment.

## III. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-18, 20-25, 27, 31, and 33-38 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 5,724,472 to Abecassis (hereinafter, merely “Abecassis”).

Claim 44 recites, *inter alia*:

**“... wherein the preview data includes commentary data, still picture data, and/or voice data introducing the main video data and each chapter of the main video data.”** (Emphasis added)

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As understood by Applicant, Abecassis relates to a variable content video comprising a video and a segment map, the segment map defining a plurality of video segments of the video responsive to at least one pre-established content category, the segment map providing information for a video system to automatically select, retrieve, and transmit as a continuous video, video segments from the plurality of video segments responsive to a preference with respect to the at least one preestablished content category. The content category may be a category of possibly unsuitable content such as violence. The plurality of video segments may comprise parallel segments to provide greater variety in the level of explicitness. In an embodiment the variable content video is stored in a memory device such as a portable laser readable memory.

Applicant respectfully submits that nothing has been found in Abecassis that would teach or suggest the above-identified feature of claim 1. Specifically, Abecassis fails to teach or suggest preview data that "includes commentary data, still picture data, and/or voice data introducing the main video data and each chapter of the main video data," as recited in claim 1.

Indeed, Applicant respectfully submits that Abecassis is directed to creating a redacted or modified version of a full video program based on content ratings. In contrast, claim 44 is directed to a method for generating meta data used to create a preview video of a video program. Therefore, Applicant respectfully submits that Abecassis does not anticipate claim 44.

Therefore, Applicant respectfully submits that claim 44, directed to a transmitting method, is patentable.

Claim 47 is the corresponding transmitter and is therefore patentable for similar reasons.

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Claims 50 and 55 are the corresponding receiving method and receiver, respectively, and are therefore patentable for similar reasons.

Claims 60 and 64 are the corresponding transmitting/receiving method and transmission/reception system, respectively, and are therefore patentable for similar reasons.

#### IV. REJECTIONS UNDER 35 U.S.C. §103

Claims 19, 26, 32, and 39 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Abecassis in view of U.S. Patent No. 6,546,555 to Hjelsvold et al. (hereinafter, merely "Hjelsvold").

Claims 28-30 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Abecassis (first embodiment) in view of Abecassis (second embodiment).

As understood by Applicant, Hjelsvold relates to a system for selling digital video information over a communications network such as the Internet basically includes a filtering server and a service administration system. The filtering server includes a commerce server, a streaming server and a world-wide web information server. The world-wide web information server provides customers with a list of available videos, the possibility to customize specific versions and a method for calculating the price for a specific version. The service administration system includes a management tool for the merchant to define price classes and payment schemes and a meta-data editing tool for the merchant to prepare the content for the filtering. The system will connect to external systems to have the payment information verified. If the payment transaction is accepted the system will pass the selected video through a sequence of service filters to generate the edition that the customer selected.

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Applicant respectfully submits that Hjelsvold fails to teach or suggest the disclosure missing from Abecassis.

#### V. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicant respectfully submits that all of the claims are in condition for allowance and requests early passage to issue of the present application.

Respectfully submitted,

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